

Fostering Constitutional Understanding in The Digital Age: Holding The Indian State Accountable for Regulating Public AI Misuse

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Research Article History

Received: 21-Apr-2026
Revised: 20-Apr-2026
Accepted: 26-May-2026
Published: 01-Oct-2026

Keywords

Artificial Intelligence (AI)
Fundamental Rights
Information Technology Act
AI misuse
State Accountability

Abstract

Artificial intelligence (AI) is now being used frequently by most people in their daily lives, particularly on social media. We need to understand the constitution well to keep the government honest and fair in dealing with new technological changes. The paper fosters constitutional understanding in a sovereign state, which means helping people value, understand, and follow the constitution even as technological changes occur. This paper also examines how people misuse AI on social media and how it challenges the government to implement new laws. This kind of misuse will affect fundamental rights protected by the Indian constitution under articles 19(1)(a) (freedom of speech) and 21 (right to privacy). India is the world's biggest democratic country, with more than 850 million internet users and high social media usage. AI tools are easily available for everyone to use; this easy access caused a lot of misuse, such as deepfake videos made during the 2024 election and a fake video of Indian celebrity Rashmika Mandanna. The research gap highlights how people are misusing AI on social media by creating deepfake videos to spread hate or harass others. By seeing people who are creating AI videos and not being punished by the government, it clearly shows Indian law is not strong enough to tackle AI issues. Many studies highlight AI ethics, but they don't highlight the government's responsibility in regulating misuse of AI among people. The objective of the research is to suggest a new provision based on the constitution. These provisions will make the government more liable for regulating the misuse of AI. The study focuses on Indian laws, such as the Information Technology Act, 2000, and also real-life examples from the 2024 election and actual cases of misuse.

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1. INTRODUCTION

Artificial intelligence has become a part of our daily life; people have started using AI tools for various purposes. Decades ago, AI was seen only in movies by people; now it is used daily. Approximately 850 million people use the internet, which is the world's biggest democracy. Now anyone who is holding a smartphone can use AI tools. Nowadays AI tools are used to create chatbots, to create fake videos, and for content creation. Once AI technology was used only by scientists and computer pioneers; now it is available for everyone to use. Because of this easy availability, people are more creative in

their activities with the help of AI technology, but sometimes it creates dangerous problems. AI-generated videos of actresses and political leaders have been spreading in social medias which damages their reputation and spreads false information about them¹. It is a clear example of how AI can easily damage one's reputation and occupy their privacy. The AI technology is evolving faster than our existing laws; the innocent people are getting affected by these kinds of threats, but it is easy for the offender to escape using the loopholes in the existing laws. The Indian Constitution were written before the existence of AI technology, so the government should take necessary steps in

¹ BBC News (2023) 'Rashmika Mandanna calls for action against 'scary' deepfake video', 7 November. Available at:

<https://www.bbc.com/news/world-asia-india-67305557> (Accessed: 5 January 2026).

implementing new provisions for these kinds of evolving crimes.

2. REVIEW OF LITERATURE

The existing research focuses on how people are misusing AI technology, particularly creating AI-generated videos and spreading them on social media. These kinds of activities affect the fundamental rights of Articles 19 and 21, which were decided in the Puttaswamy case². Some research highlights the real-life examples, like the Indian actress's fake videos in 2023 and the AI-generated videos during 2024 elections. By seeing these kinds of incidents, it shows us the Information Technology Act, 2000, is not good enough to handle these kinds of problems³.

3. RESEARCH GAP

The existing research focuses on AI's responsibility, deepfake videos, and the responsibilities of social media platforms. There is only few research that focuses on the government's responsibility in regulating misuse of AI technology, and it highlights how the government fails to protect their citizens' rights. The research gap is to propose a legal framework to make the state responsible for preventing threats by AI technology.

4. LEGAL FRAMEWORK AND CONSTITUTIONAL RIGHTS IN THE DIGITAL ERA

4.1 *Freedom of speech and expression in the circumstance of AI-generated content*

Article 19(1)(a) grants freedom to think, speak, and express their ideas to people under the Indian Constitution; in a democratic country, it allows citizens to speak and share their ideas without any fear. When it comes to AI technology, things become difficult; people are allowed to speak and express their real ideas. But the ideas that they speak and express should not be a lie or should not be in the form of AI-generated content; it does not come under freedom of speech and expression. Some people generate fake videos of some celebrities with the help of AI technology saying horrible things that they never said. It damages someone's reputation and causes harm to their mental health as well by spreading AI-generated videos on social media platforms, but it's not a freedom of speech and expression. Because in social media, once an AI-generated video starts to get more views within a few hours, the content will reach millions of people, no one can stop it from being shared by everyone, and the damage is done. When a person makes jokes and creative works, no one will question him. The constitution should create a clear difference between honest content and harmful content. Also, these kinds of activities should be included under restrictions on freedom of speech to stop AI-generated content.

4.2 *Fostering constitutional understanding in sovereign state*

Fostering the constitution means that the government should not leave the people by providing rights; the government should consistently make various attempts at promoting their rights and protecting them. In a state like India, it is important to do because the state makes law for itself. With the evolution of AI-technology, the government is in a critical stage, because AI-technology is dangerous, but it does amazing things in fields like education, hospitals, farming, and the economy; It is important for a nation's development. On the other hand, we can't let go of AI-technology for harming people's reputations

and privacy; the people who wrote the constitution never knew social media and AI-technology were going to rule the world. The government can make companies and researchers set up AI carefully with effective policies and funding. By implementing strong laws, the state can tackle problems before something happens rather than implementing laws after things happen.

5. INDIA'S DIGITAL ECOSYSTEM AND ITS REACH AND THREATS

5.1 *Statistics of Internet Users*

India's transformation in the digital world is unbelievable, because the numbers tell everything: more than 850 million people in India are using the internet which is the world's second-largest internet usage by a country's population⁴. Which means approximately three-fifth of people in India are using the internet. The government started the digital India program to bring internet to rural areas and faraway places. Also, the cheapest smartphone and low-cost internet plans made millions of people access the internet. When Jio entered the market in 2016, they offered high-speed internet plans everywhere to people at a low-cost compared to other countries. This fast growth has some drawbacks, because people don't know much about the risk of using social media with the help of the internet. It is hard for people to differentiate between an original and an AI-generated video. Because of this, people being scammed by false information and started to be scared about losing their privacy.

5.2 *Social Media Consumption and Statistics*

India is a leading social media market with millions of users on Facebook, Instagram, WhatsApp, and YouTube. Generally, the users are aged between 18 and 34 years; the elderly people also use social media platforms, but they don't have awareness about their safety in using these platforms. Mostly social media platforms have English language content, but after a few years, gradually, the English content is overshadowed by regional language content. This diversity in language makes social media platforms more difficult to handle content moderation; it is difficult for them to monitor various regional language contents.

6. IMPACT OF AI MISUSE ON SOCIAL MEDIA PLATFORMS

6.1 *Deepfake: Characteristics and Accessibility*

The term "deepfake" is known for its deep-down analysis of various patterns of images to generate fake ones. It is more dangerous because it is more realist than the original videos. Deepfakes are used to fake videos, photos, or voice recordings made by AI technology. It is used to change the face of a person; it makes audio recordings of a person of things that they never said. Now anyone with a smartphone can download low-cost applications like Deepfake to create fake videos. This easy access made people believe that anyone can create AI-generated videos; this increased the misuse of AI technology in India.

6.2 *Threats to Election Legitimacy*

During the 2024 general election in India, some political parties and their followers generated fake videos using AI technology to display the things that they never did, like spreading hateful messages about the party. The videos have been shared by everyone on social media, particularly WhatsApp. This

³Information Technology Act 2000 (India).

⁴ Internet and Mobile Association of India (IAMAI) and Kantar (2025) Internet in India Report 2024. Available at: <https://www.iamai.in> (Accessed: 4 January 2026).

incident happened before election day⁵. The people who have never seen these kinds of technologies started to believe these AI-generated videos. The election commission warned people not to share videos, but at that time the government didn't have enough laws to tackle the issue. It created threats to legitimate elections.

6.3. *Creating hate speech videos, harassment videos, and defamatory content with AI technology*

Some people create fake nude videos of women with the help of deepfake or create bad behaviors of them and post them on social media to damage their reputation. These kinds of fake videos made the victim suffer mental pain, being rejected by family members, and sometimes it provokes them to prefer violence to come out of this pain. Generally, weaker sections and celebrities are being victims, and videos of them will ruin their entire life and career.

7. DEVELOPED COUNTRIES AND THEIR MEASURES TO TACKLE AI TECHNOLOGY

7.1 *European union*

The European union established the AI Act in 2024, which regulated misuse of AI by people and the respective companies. Companies like Deepfake should strictly follow the rules. Also, they should put their label on AI-generated content as fake⁶. If the companies didn't follow the guidelines, big fines would be imposed for not following the rules. On the other hand, the Digital Service Act necessitates the social media platforms to remove harmful content made by AI applications, submit reports, and monitor various accounts. The objective of the European Union is to regulate social media platforms and companies before damage happens to people.

7.2 *United States*

The Communications Decency Act (CDA), established in 1996, states section 230 provides immunity for social media platforms for not being accountable for the harmful content posted by users. This allows AI-generated content to spread easily on social media. States like California and Texas made laws to punish people who are creating fake porn videos using Deepfake the rules will differ according to state.

8. PROPOSED LEGAL FRAMEWORK

8.1. *Proposed Provision Making the Government Accountable for Lack of AI Regulations*

- *The duty of the government is to protect people:* both the central and state government must enforce laws to

10. REFERENCES

- BBC News (2023) 'Rashmika Mandanna calls for action against 'scary' deepfake video', 7 November. Available at: <https://www.bbc.com/news/world-asia-india-67305557> (Accessed: 5 January 2026).
- Justice K.S. Puttaswamy (Retd.) & Anr. vs Union of India & Ors. (2017) AIR 2017 SC 1933 (Supreme Court of India).
- Information Technology Act 2000 (India).
- Internet and Mobile Association of India (IAMAI) and Kantar (2025) Internet in India Report 2024. Available at: <https://www.iamai.in> (Accessed: 4 January 2026).
- BBC News (2024) 'AI and deepfakes blur reality in India elections', 16 May. Available at: <https://www.bbc.com/news/world-asia-india-68918330> (Accessed: 5 January 2026).
- European Commission (2024) 'The European AI Act', Shaping Europe's digital future. Available at: https://commission.europa.eu/news-and-media/news/ai-act-enters-force-2024-08-01_en (Accessed: 5 January 2026).

⁵ BBC News (2024) 'AI and deepfakes blur reality in India elections', 16 May. Available at: <https://www.bbc.com/news/world-asia-india-68918330> (Accessed: 5 January 2026).

⁶European Commission (2024) 'The European AI Act', Shaping Europe's digital future. Available at: https://commission.europa.eu/news-and-media/news/ai-act-enters-force-2024-08-01_en (Accessed: 5 January 2026).

protect people from trauma caused by AI-generated videos on social media. If the government fails to take necessary action, the article 19 and 21 of the Indian constitution will be violated.

- *Immediate Action Required:* When there is clear proof for AI-generated videos violating people's rights, the government should take immediate action.
- *Funds for Supporting Victims:* these funds will come from the fine amount paid by wrongdoers; this fund helps the victims of AI-generated content to conduct weekly therapy sessions. Even after the court proceedings are done.

8.2. *Compulsory Content Verification and Labeling System*

The application, which gives AI-generated videos and photos, should have visible watermarks; they should not be removed even after paying money for premium features. The government, companies, and organizations should follow a common rule. The social media platforms should modify their application to find AI-generated content automatically. Also, the application should give special warnings for AI-generated content, like Instagram gives warnings for sensitive content. These steps will help people to differentiate human-made content and AI-generated content.

9. CONCLUSION

This research highlights how AI misuse affects people's rights and their mental health. In country like India with millions of internet users, it is difficult for the government to protect their constitutional rights. AI-generated content harms people's privacy, reputation, and mental health. There are some real-life examples; Indian actress Rashmika's fake video and 2024 election fake video. The Information Technology Act 2000 is not good enough to tackle existing problems. The research makes the government responsible for the lack of AI laws.

Conflict of Interest

Conflict of interest declared none.

Funding

The review presented in the article did not receive any external financial support.

Acknowledgements

The authors express their gratitude to Dr. M.G.R. Educational and Research Institute for their valuable support.